

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Cr. No. 09-10166-MLW
)
 SALVATORE F. DIMASI and)
 RICHARD W. MCDONOUGH,)
 Defendants.)

ORDER

WOLF, D.J. September 16, 2011

The court has received defendants' Motion to Enlarge the Time to Conduct Hearing for Bail Pending Appeal (the "Motion"). Defendants request that the September 23, 2011 hearing on their request for bail pending appeal be postponed until the full transcript of the six-week trial is prepared.

On June 24, 2011, the court granted defendant Salvatore DiMasi's request for Criminal Justice Act funding for the full trial transcript and stated that:

It is in the interest of justice to have the preparation of the transcripts needed for appeal begin promptly in order to minimize the time necessary for this case to be resolved. In preparing the requested transcripts, priority should be given to transcripts of the trial and the transcripts of any pretrial proceedings designated by DiMasi, on or before June 29, 2011, as particularly important.

June 24, 2011 Order. DiMasi did not designate any transcript(s) for priority preparation.

Defendants have nevertheless been provided with the transcript of the government's rebuttal argument, which they contend provides a basis for granting them bail pending appeal. See Sept. 6, 2011

Order. The court is informed that the transcripts of defendant Joseph Lally's testimony should be available to the parties before September 23, 2011.

The court does not now perceive a need for the full trial transcript in order to decide defendants' request for bail pending appeal. Accordingly, it is hereby ORDERED that the Motion (Docket No. 659) is DENIED without prejudice to possible reconsideration at the September 23, 2011 hearing.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE